

## OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 34

NOVEMBER 26, 2002

**SUBJECT: ELDER/DEPENDENT ADULT PHYSICAL AND FIDUCIARY ABUSE  
REPORTING REQUIREMENTS - REVISED**

**PURPOSE:** Penal Code (PC) Section 368 states that elder or dependent adults deserve special consideration and protection when they are a victim of a crime. Due to changes in Section 368, elder and dependent adult abuse has been expanded to include fiduciary abuse. This Order revises Department procedure for investigating and reporting elder/dependent adult physical and fiduciary abuse.

### **PROCEDURE:**

#### **I. DEFINITIONS:**

- \* **Elder** - Any person 65 years of age or older;
- \* **Dependent Adult** - Any person between the ages of 18 and 64 years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. A "dependent adult" includes any person who has been admitted as an in-patient to a 24-hour health care facility, as defined in Section 1250, 1250.2, and 1250.3 of the Health and Safety Code;
- \* **Caretaker** - Any person who has the care, custody, control of, or who stands in a position of trust, with an elder or a dependent adult;
- \* **Elder/Dependent Adult Physical Abuse** - When a caretaker of an elder/dependent adult willfully inflicts upon that elder/dependent adult any cruel or inhuman corporal punishment or injury. Physical abuse includes, but is not limited to, direct beatings, sexual assault, unreasonable physical constraint, or prolonged deprivation of food or water;
- \* **Elder/Dependent Adult Fiduciary Abuse** - When any person violates any provision of law prohibiting theft or embezzlement of any property that they know, or should know, belongs to an elder/dependent adult.

## II. SUSPECTED ELDER/DEPENDENT ADULT PHYSICAL OR FIDUCIARY ABUSE REPORTED BY DEPARTMENT EMPLOYEES.

**A. Officer's Responsibility.** Officers who encounter or are informed of cases of suspected elder/dependent adult physical or fiduciary abuse shall:

- \* Conduct a preliminary investigation;
- \* Immediately notify Adult Protective Services (APS), Elder Abuse Hotline, of the incident during business hours at (213) 351-5401, or off hours at (877) 477-3646;

**Note:** Current telephone numbers can be obtained through Detective Headquarters Division.

- \* Complete a State of California 341 (SOC 341) Department of Social Services, "Report of Suspected Dependent Adult/Elder Abuse Form";
- \* Complete the required Department report (e.g., a Preliminary Investigation Report, Form 3.1; Arrest Report, Form 5.2; and/or Injury Investigation, Form 3.15);
- \* Document that a SOC 341 form was completed in the narrative of all reports;

**Note:** Investigative responsibility of an on-going elder abuse crime is usually determined by the location of the victim's residence.

- \* Assist APS staff in gaining access to a possible victim if there is probable cause to suspect the victim's life is endangered;
- \* Ensure that victims have transportation to an appropriate emergency shelter and/or referral information to the appropriate service agencies; and,
- \* Initiate commitment of victims pursuant to Section 5150 of the Welfare and Institutions Code, when necessary.

**B. Supervisor's Responsibility.** Prior to approving any report of possible elder/dependent adult abuse supervisors shall ensure:

- \* Completion of State of California 341 Form;

- \* State of California 341 form was sent via facsimile to APS, and to the Area Detective Section or the responsible law enforcement agency within two working days; and,
- \* Adult Protective Services was telephonically notified of the incident.

**C. Area Records Supervisor's Responsibility.** Each Area records supervisor shall:

- \* Ensure that SOC 341 forms are forwarded to the appropriate Area Detective Section investigative unit or outside law enforcement agency;
- \* Enter code "1202" into the Consolidated Crime Analysis Database data entry screen next to "Modus Operandi" for tracking purposes;
- \* Transmit a facsimile of the SOC 341 form to APS within two working days, (213) 738-6485; and,
- \* Transmit a facsimile of the SOC 341 form to the appropriate Area Detective Section or outside Law Enforcement Agency responsible for investigating the case.

**D. Officer in Charge, Area Detective Section, Responsibility.** The Officer in Charge, Area Detective Section, shall ensure that:

- \* Major Assault Crimes (MAC) Coordinator, Family Violence Detail, provides consultation and booking advice for physical abuse cases and establishes liaison with the APS office(s) serving its respective Area;
- \* State of California 341 forms are reviewed by the MAC coordinator, and a criminal investigation is conducted when necessary;
- \* Copies of completed SOC 341 forms are forwarded to APS within two working days and a copy is retained by the MAC coordinator for a minimum of three years;
- \* The Burglary Coordinator provides case assignment and booking advice on fiduciary abuse cases;
- \* Roll call training and training materials are provided to Area personnel; and,
- \* When available, a representative from APS, Public Guardian, and the Los Angeles City and District Attorneys' Offices attend roll call training associated with elder/dependent abuse.

**E. Financial Crimes Division Responsibility.** Financial Crimes Division (FCD), shall:

- \* Provide advice and assistance to Area Detective Section personnel with elder/dependent abuse investigations;
- \* Act as the Department liaison for elder/dependent adult fiduciary abuse with other law enforcement agencies, government agencies, and community groups;
- \* Maintain information on current and proposed elder fiduciary abuse legislation;
- \* Provide elder fiduciary abuse training materials to Area Elder Fiduciary Abuse Coordinators to assist in training; and,
- \* Investigate complex elder/dependent fiduciary crimes that have resulted in a substantial monetary loss of the victim's entire estate.

**Note:** The Commanding Officer, Detective Services Group, has the responsibility for determining which complex elder fiduciary abuse crimes will be investigated by FCD.

**AMENDMENTS:** This Order amends Sections 4/209.01, 4/209.05, and 4/209.10 of the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Detective Services Group, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

**WILLIAM J. BRATTON**  
Chief of Police

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